

HOUSE BILL NO. 171

INTRODUCED BY D. WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN EXECUTIVE BRANCH REORGANIZATION COMMISSION; PROVIDING FOR THE POWERS AND DUTIES OF THE COMMISSION; REQUIRING STATE AGENCIES AND EMPLOYEES TO COOPERATE WITH THE COMMISSION; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

WHEREAS, __Bill No.__ [LC 573] is a ballot measure to amend The Constitution of the State of Montana to reduce the number of principal departments of the Executive Branch of state government from 20 to 12 principal departments; and

WHEREAS, if the ballot measure provided for in __Bill No.__ [LC 573] is approved by the electorate in the 2002 general election, the Legislature must determine which Executive Branch departments to eliminate; and

WHEREAS, an Executive Branch Reorganization Commission composed of the Governor and eight members of the Legislature, in the same manner as the executive reorganization commission created by Chapter 293, Laws of 1969, to implement executive reorganization, will provide the most efficient way to study the reorganization of the Executive Branch and to recommend implementing legislation to the 2005 Legislature.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Executive branch reorganization commission created -- compensation -- duties of governor and commission. (1) There is an executive branch reorganization commission. The commission consists of the following members:

(a) the governor;

(b) four members of the house of representatives, to be appointed by the speaker of the house, no more than two of whom may be from the same political party; and

(c) four members of the senate, to be appointed by the committee on committees, no more than two of whom may be from the same political party.

(2) A vacancy occurring on the commission must be filled by the appointing authority, subject to the requirements of this section.

(3) The governor is the presiding officer of the commission. The commission may elect a vice presiding officer.

(4) The commission shall meet at least quarterly. The governor may call additional meetings of the commission as the governor determines necessary to carry out the work of the commission.

(5) Legislative members of the commission must be compensated and reimbursed, as provided in 5-2-301 and 5-2-302, for their expenses incurred in carrying out the work of the commission. The governor must be compensated and reimbursed as provided by law for expenses in carrying out the work of the commission.

(6) The governor shall, subject to approval by the commission, appoint an executive director of the commission and determine the compensation of the executive director.

(7) The commission may adopt rules governing the meetings of the commission and the work of the executive director and the other members of the commission staff.

(8) The commission shall prepare legislation to implement Article VI, section 7, of the Montana constitution and a report containing its recommendations for legislation. The commission may take public testimony concerning a proposed reorganization, proposed legislation, a proposed report or part of a report by the commission, or any of those subjects. The report must be submitted to the legislature, in the manner provided by 5-11-210, no later than September 1, 2004.

(9) The commission is attached to the governor's office for administrative purposes only, as provided in 2-15-121.

NEW SECTION. Section 2. Duties of executive director. The executive director of the executive branch reorganization commission shall:

(1) make a detailed and thorough study of the organization of the executive branch of state government and the manner in which the executive branch may be reorganized to comply with the requirements of Article VI, section 7, of the Montana constitution;

(2) prepare draft legislation and a written report for the commission;

(3) give notice of the meetings of the commission to the members of the commission and to the public;

(4) subject to approval by the commission, hire necessary staff and fix the compensation of the staff;

(5) direct the work of the commission staff; and

(6) take other action as directed by the commission.

NEW SECTION. Section 3. Access to public records -- cooperation required. The members of the executive branch reorganization commission and the executive director and other members of the staff of the commission may, for the purposes of the study required by [sections 1 through 3], have access to any public record held by the executive branch of state government. The director and employees of each agency of the executive branch shall cooperate with the commission and its staff and furnish to the commission and its staff any public record or other public information held by the agency and considered necessary by the commission or its staff for the work of the commission. Employees of the legislative and judicial branches of state government shall also cooperate with the commission and its staff to the extent allowed by law.

NEW SECTION. Section 4. Coordination instruction. If __Bill No.__ [LC 573] is not passed and approved, then [this act] is void.

NEW SECTION. Section 5. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) The secretary of state shall certify to the governor no later than November 7, 2002, whether the constitutional amendment provided for in __Bill No.__ [LC 573] is approved by the electorate. If the constitutional amendment is certified as approved, then [sections 1 through 3] are effective November 8, 2002. If the constitutional amendment is certified as not approved, then [sections 1 through 3] are void.

NEW SECTION. Section 6. Termination. If [sections 1 through 3] become effective as provided in [section 5(2)], then [this act] terminates January 1, 2005.

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